BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.08.2022
CORAM
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM
CRL.O.P (MD) No.14565 of 2022
and
Crl.M.P(MD)Nos.9416 and 9418 of 2022
Vimal Chinnappan ...Petitioner/Sole Accused

Vs.

1.State represented by
The Inspector of Police,
Ammaiyanaakanoor Police Station,
Dindigul District.
(In Crime No.187 of 2010) ...1st Respondent/Complainant

2.Vimal Chinnappan ...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to call for the records of impugned charge sheet in C.C.No.229 of 2012 pending on the file of the Judicial Magistrate, Nilakkottai and quash the same as illegal.

For Petitioner : MrA.Balaji
For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER
This petition has been filed to quash the impugned charge sheet in C.C.No.229 of 2012 pending on the file of the learned Judicial Magistrate, Nilakkottai.
2.The learned counsel appearing for the petitioner submitted that originally, the petitioner is the defacto complainant in this case. The alleged occurrence took place on 04.06.2010 at about 1.00 a.m. on Madurai ? Dindigul four way Road. On that date, when the petitioner drove the Eicher Van bearing Registration No.TN~67~AZ~8089, a lorry was riding on the same
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ORDER
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2.The learned counsel appearing for the petitioner submitted that originally, the petitioner is the defacto complainant in this case. The alleged occurrence took place on 04.06.2010 at about 1.00 a.m. on Madurai ? Dindigul four way Road. On that date, when the petitioner drove the Eicher Van bearing Registration No.TN~67~AZ~8089, a lorry was riding on the same direction before the petitioner-s Van. All of a sudden, the driver of the lorry hit the break. Therefore, the petitioner hit behind the lorry. Due to which, he sustained injury and gave a complaint before the respondent police. However, the respondent police charged the petitioner as an accused and a case has been registered against him in Crime No.187 of 2010 for the offences punishable under Sections 279, 337 and 304(A) IPC and charge sheet has also been filed in C.C.No.229 of 2012 before the learned Judicial Magistrate, Nilakkottai. Hence, he filed a petition to quash the proceedings.

3.The learned Additional Public Prosecutor appearing for the respondent police submitted that the case has been registered in Crime No.187 of 2010 for the offences punishable under Sections 279, 337 and 304(A) IPC. After investigation, charge sheet has been filed against the petitioner, since he hit against the lorry due to his rash and negligent driving. Now, the case is posted for examination of witnesses.

4. I have considered the submission of the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

5. A perusal of records shows that the case has been registered in Crime No.187 of 2010 for the offences punishable under Sections 279, 337 and 304(A) of IPC. The allegation against the petitioner is that on 04.06.2010 at about 01.00 a.m. on Madurai to Dindigul four way Road, the petitioner drove the Eicher van bearing Registration No.TN~67~AZ~8089 in a rash and negligent manner and hit behind the lorry and thereby, he sustained injury and also caused death to one Rajendran. Therefore, the petitioner was

prosecuted for the offences punishable under Sections 279, 337 and 304(A) of IPC. Now, the fact of negligence on the part of the petitioner/accused is disputed by the petitioner. Disputed fact cannot be adjudicated in quash proceedings, it has to be decided by let in evidence. Therefore, before the commencement of trial, the proceedings cannot be quashed. Hence, I find no merits in this case.

6.The learned counsel for the petitioner further submitted that the petitioner seeks his personal appearance to be dispensed with before the trial Court.

7.Considering his request, the personal appearance of the petitioner before the trial Court is dispensed with on condition that the petitioner should appear before the trial Court, whenever his presence is required by the learned Judicial Magistrate.

8.Accordingly, this Criminal Original Petition stands dismissed. Consequently connected miscellaneous petitions are also closed.

16.08.2022

Index : Yes / No
Internet : Yes/ No
vsd

To

1.The Inspector of Police,
Ammaiyanaakanoor Police Station,
Dindigul District.

2.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

V.SIVAGNANAM, J.

vsd

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